

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SCOTT AND VIRGINIA WALSH, individually and
on behalf of V.W., a child with a disability,

Plaintiffs,

- against -

DR. JOHN B. KING, JR., as Commissioner of Education
of the New York State Education Department,
JUSTYN P. BATES, as State Review Officer, and the
BOARD OF EDUCATION of the SHENENDEHOWA
CENTRAL SCHOOL DISTRICT,

Defendants.

**ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION
AND TEMPORARY**

RESTRAINING ORDER

Civil Case #: 1:14-CV-1078

CLEK/RFT)

Upon the annexed Affidavit of Virginia Walsh, dated September 2, 2014, the Affirmation of Kenneth S. Ritzenberg, Esq., and Complaint, together with the exhibits, let the Defendants, DR. JOHN B. KING, JR., in his official capacity as Commissioner of Education of the New York State Education Department; JUSTYN P. BATES, in his official capacity as State Review Officer for the New York State Education Department; and THE BOARD OF EDUCATION OF THE SHENENDEHOWA CENTRAL SCHOOL DISTRICT (collectively "Defendants") show cause by way of a submission at a term of the United States District Court, Northern District of New York to be held at the James T. Foley U.S. Courthouse, at 445 Broadway, Albany, N.Y. at _____ o'clock in the _____ noon, on the _____ day of _____, 2014, why an ORDER should not be made:

1. Enjoining and restraining Defendant Justyn P. Bates and/or the New York State Office of State Review from issuing a decision in the Board of Education of the Shenendehowa Central School District's Petition dated January 21, 2014, currently pending before Defendant Justyn P. Bates and/or the New York State Office of State Review;
2. Ordering that IHO Wolman's Decision and Order dated December 13, 2013 and corrected December 18, 2013 is final;
3. Enjoining and restraining Defendant Board of Education of the Shenendehowa Central School District from not complying with IHO Wolman's Decision and Order, dated December 13, 2013 and corrected on December 18, 2013, and providing all relief award to Plaintiffs;
4. Ordering Defendant Board of Education of the Shenendehowa Central School District to immediately place Plaintiff V.W. at the Riverview School at NYSED and Shenendehowa Central School District's expense; and
5. Granting any further relief that to the Court may deem just and proper.

SUFFICIENT CAUSE APPEARING, it is ordered that Defendants and any other New York agency that arguably may act in this matter are temporarily enjoined, prohibited and restricted as follows:

1. Defendant Justyn P. Bates and/or the New York State Office of State Review are temporarily enjoined, prohibited and restricted from issuing a decision in the Board of Education of the Shenendehowa Central School District's Petition dated January 21, 2014, currently pending before Defendant Justyn P. Bates and/or the New York State Office of State Review;
2. Defendant Board of Education of the Shenendehowa Central School District is temporarily enjoined, prohibited and restricted from not complying with IHO Wolman's Decision and Order, dated December 13, 2013 and corrected on December 18, 2013, and providing all relief award to Plaintiffs;
3. Defendant Board of Education of the Shenendehowa Central School District is ordered to immediately place Plaintiff V.W. at the Riverview School; and

until the return date of this Order to Show Cause, and

LET, service of a conformed copy of this order be served upon Defendants by Facsimile or by personal service by ____ o'clock in the ____ noon on the ____ day of September, 2014 be deemed good and sufficient service.

Defendants' answering papers and/or papers in opposition shall be filed and served on or before the ____ day of _____, 2014.

DATED:

September ____, 2014
Albany, New York

Hon.
United States District Court Judge
Northern District of New York